IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14150 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SUMITRABEN DAVIDBHAI DAVALA - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MS HINA DESAI for Petitioner(s) : 1,
MS REETA CHANDARANA, ASSISTANT GOVERNMENT PLEADER for Respondent No.1
MR RA MISHRA for Respondent(s) : 2, 3.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 24/03/2006

ORAL JUDGMENT

1. In this petition, though several progress were made, learned advocates appearing for the parties submitted that the issued that survive now are in narrow compass.

2. Learned advocate Ms.Hina Desai appearing for the petitioner submitted that the petitioner retired as a Female Health Supervisor of Primary Health Centre, respondent No.3 herein upon superannuation with effect from 30 June 1999. She submitted that she is since been paid the benefits of revised pay scales. She is also granted arrears of difference in pay. She further submitted that her pension has not been accordingly revised. She submitted that when the petitioner is found entitled to receive revised pay scale, she must also receive consequential effect thereof in her pension.

3. On the other hand, Shri R.A.Mishra appearing for the respondents submitted that as per his instructions, all the arrears payable to the petitioner have been paid. He, however, could not state with precision the exact amount of pension being granted to the petitioner and whether the same reflects the revised pay scale made available to the petitioner. In that view of the matter, since there is virtually no dispute about the fact that the petitioner is entitled to receive revised pension pursuant to the revision in pay scale which was made available to her, it is directed that the respondents and in particular respondent No.3 will recalculate and verify

the pension payable to the petitioner. If it is found that the petitioner has not been granted benefits of the revised pay scale for her pensionary benefits, the same shall be released without any further delay. Such exercise shall be completed within a period of 2 months from the date of receipt of copy of this order.

4. With these directions, the petition is disposed of as allowed. Rule is made absolute. No order as to costs.

(AKIL KURESHI, J.)

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